

REMARKS

Claims 1-23 are pending.

Applicants have amended claim 15 and claim 16 to recite "in an amount effective for" in response to the Examiner's rejections.

Neither amendment adds new matter.

The Office ActionRejection under 35 U.S.C. § 112, second paragraph

Claim 15 and claim 16 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. The Examiner contends that the claims are indefinite "as they lack effective amount." Applicants have amended both claims to recite "in an amount effective for" thus obviating these rejections. Accordingly, applicants request that the Examiner withdraw these 112, second paragraph rejections.

Rejections under 35 U.S.C. § 112, first paragraph:

Claims 14 and 17-23 stand rejected under 35 U.S.C. § 112, first paragraph "because the specification, while being enabling for treating leukemia does not reasonably provide enablement for treatment" of all claimed diseases. Applicants traverse.

As disclosed in the specification as originally filed, GSK inhibition has been linked to the claimed diseases. Furthermore, applicants have disclosed several assays for evaluating GSK inhibition both in vitro and in vivo (see Examples 17-25 at pages 32-51) and shown that their compounds are active in certain assays. The assays show activity in diverse diseases, such as cardiovascular and neurological diseases (see Figure 1 and Figure 2). Applicants respectfully submit that this data would lead a skilled practitioner to be able "to use the invention commensurate in scope with" the claims. Accordingly, applicants request that the Examiner withdraw these 112, first paragraph rejections.

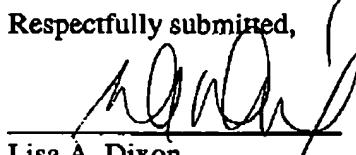
Double Patenting

Claims 1-23 stand "rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-15 of U.S. Patent No. 6,696,452." Applicants will address these rejections at the time the Examiner considers the claims ready for allowance.

CONCLUSION

Applicants request that the Examiner enter the above amendments, consider the foregoing remarks, and allow the pending claims to issue. If the Examiner believes that a telephone call would expedite prosecution, the Examiner is invited to contact the undersigned at any time.

Respectfully submitted,


Lisa A. Dixon
Registration No: 40,995
Attorney for Applicants
VERTEX PHARMACEUTICALS INCORPORATED
130 Waverly Street
Cambridge, Massachusetts 02130-4646
Tel: (617) 444-6396
Fax: (617) 444-6483